

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

|                                       |   |                       |
|---------------------------------------|---|-----------------------|
| <b>CINCINNATI INSURANCE COMPANY,</b>  | ) |                       |
|                                       | ) |                       |
| <b>Plaintiff,</b>                     | ) |                       |
|                                       | ) | <b>CIVIL ACTION</b>   |
| <b>v.</b>                             | ) |                       |
|                                       | ) | <b>No. 05-2074-CM</b> |
|                                       | ) |                       |
| <b>WAL-MART STORES, INC., et al.,</b> | ) |                       |
|                                       | ) |                       |
| <b>Defendants.</b>                    | ) |                       |
|                                       | ) |                       |

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**MEMORANDUM AND ORDER**

This matter comes before the court on plaintiff's Motion for Default Judgment (Doc. 23) against defendant Mid-America Promotions, Inc.

**THE COURT FINDS** that plaintiff has demonstrated that it personally served defendant Mid-America Promotions, Inc.'s registered agent, Sharon K. Arney with Summons and a copy of the Complaint on April 24, 2005 and that no answer, appearance or other responsive pleading has been filed on behalf of defendant Mid-America Promotions, Inc.

**THE COURT FURTHER FINDS** that the clerk of the court entered default judgment against defendant Mid-America Promotions, Inc. on August 26, 2005 pursuant to Fed. R. Civ. P. 55(a).

**THE COURT FURTHER FINDS** that default judgment should be entered against defendant Mid-America Promotions, Inc., pursuant to Fed. R. Civ. P. 55(b) for the relief request in plaintiff's complaint as follows:

1. Plaintiff has no obligation under the Mid-America CGL policy to defend or indemnify Wal-Mart or Mass Connections with respect to the underlying *Lynn* lawsuit; and

2. Plaintiff is entitled to all costs and attorneys' fees allowed by law.

**SO ORDERED.**

Dated this 25th day of October 2005, at Kansas City, Kansas.

s/ Carlos Murguia  
**CARLOS MURGUIA**  
**United States District Judge**